

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV 06-4271 CAS (JWJx)	Date	August 3, 2009
Title	FIDELITY NATIONAL FINANCIAL, INC., ET AL. v. COLIN H. FRIEDMAN, ETC., ET AL.		

Present: The Honorable		CHRISTINA A. SNYDER	
Catherine Jeang	Not Present		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Not Present		Not Present	

Proceedings: (IN CHAMBERS): Plaintiff's Motion for Clarification of Court Order Re: Appointment of Successor Trustee and Payment of Attorneys' Fees Regarding Legitimacy of Negev Lien (filed 5/19/2009)

On May 14, 2009, this Court issued an order permitting utilization of certain Trust assets to fund payment to Joseph Etienne (as trustee for Trust defendants) and David M. Bass and Associates (defendants' counsel). Specifically, the Court permitted (1) refinancing of the Huntress property and (2) "assignment of the \$500,000 deed of trust held by Negev on the home owned by the Meshkatais, subject to Fidelity's lien, if any." May 14, 2009 Order at 4.

On May 19, 2009, Fidelity filed the instant motion for clarification of Court order re: appointment of successor trustee and payment of attorneys' fees regarding legitimacy of Negev lien. Defendants filed a response on June 4, 2009. On June 8, 2009, Fidelity filed a reply.

As the Court noted in its May 14, 2009 order, it is Fidelity's contention that "[t]he deed of trust held by the Negev Trust on the Meshkatais' real property is a sham designed to park half a million dollars to evade Fidelity's judgment." May 14, 2009 Order at 3. In its motion, Fidelity states

Fidelity interprets the Court's May 14th Order as allowing the Negev Trust to assign its alleged lien on the Meshkatai's real property to their attorneys and the successor trustee (whatever value that lien may have, including a potential value of zero), without ruling on the legitimacy or validity of the Negev deed of trust.

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Since there are disputed issues of material fact as to the validity of the Negev lien, Fidelity respectfully asks the Court to clarify that Fidelity may still litigate the validity or legitimacy of the Negev Trust lien.

Mot. at 5.

In their response, defendants state that they only oppose the motion to the extent Fidelity is attempting to invalidate the Court's May 14, 2009 order allowing defendants to pay for certain attorneys' fees. The Court does not read Fidelity's motion as attempting to invalidate the May 14, 2009 order. The Court hereby clarifies that nothing in the May 14, 2009 order should be read as preventing Fidelity from litigating the validity or legitimacy of the Negev Trust lien.

IT IS SO ORDERED.

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Initials of Preparer	CMJ		